

REMARKS

I. Introduction

This Amendment is in response to the Non-Final Office Action dated July 19, 2011.

Claims 1, 27, 28 and 29 are amended herein. Support for amendments may be found at least in paras. [85]-[90] of the specification. No new matter is added.

Claims 1-3, 5-8, 10-24 and 26-29 will be pending upon entry of this Amendment.

II. 102(e) Rejection of Claims 1-3, 7-8, 20-24 and 26-29

The Office Action rejects claims 1-3, 7-8, 20-24 and 26-29 under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 7,890,212 Cornett *et al.* ("*Cornett*").

Solely to further prosecution, Applicants have amended independent claim 1 to recite, in part, "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, wherein the computer-assisted configuration is an OSI transport layer or above" and "operating a programmable logic controller on a network via the configured OSI transport layer or above." Independent claims 27-29 have been amended to include similar features. Support for the amendment may found, for example, in paragraphs [85]-[90] of Applicants specification. As such, no new matter has been added by this amendment. It is submitted that *Cornett* neither discloses nor suggests at least the feature, "operating a programmable logic controller on

a network via the configured OSI transport layer or above," in addition to other features, recited in claim 1.

While *Cornett* describes a wizard for configuring an intelligent module, and in particular a position module, nowhere in *Cornett* is there any disclosure or suggestion of configuring an OSI transport layer or above of a network interface device, which allows a programmable logic controller to operate on a network, as presently claimed. Contrary to the assertions in the Office Action, Column 5, lines 12-23 of *Cornett* merely describes a portable computer including a PC interface, which may be a communication interface. The use of a communication interface, as in *Cornett*, which is not even necessarily using or relating to an OSI transport layer, is not the same as computer-assisted configuration of an OSI transport layer or above, as presently claimed.

Furthermore, nowhere in *Cornett* is there any disclosure or suggestion of "operating a programmable logic controller on a network via the configured OSI transport layer or above," as presently claimed. As described in Applicants' specification, a network interface device couples an information device with other devices connectable to a network. A network interface device may comprise, for example, an FTP server, an FTP client, an HTTP server, an HTTP client, an SMTP client, etc. The network interface device may receive, and transfer files or information related to, process-related information and/or process control program related information from a PLC. The network interface device may also allow for administration of the PLC via, for example, the HTTP server and HTTP client aspects of the network interface device. As the OSI transport layer provides for transparent transfer of data between end systems or hosts, configuration of the OSI transport layer or above of the network interface device provides for the PLC to operate and communicate on a network using standard OSI transport layer protocols. The configuration of the network interface device allows the PLC to become connected to the network, operate

as a peer on the network, and support network functions such as email, ftp, smtp, etc. In other words, configuration of the OSI transport layer or above of the network interface device is a pre-requisite for supporting the operational functionality of the PLC on the network. See, e.g. paras. [72], [85] to [98] of Applicants' specification.

Based upon the foregoing, it is submitted that *Cornett* neither discloses nor suggests all of the features recited in independent claims 1, 27, 28 and 29. As claims 2-3, 7-8, 20-24 and 26 depend from, and incorporate the features of, claim 1, it is further submitted that claims 2-3, 7-8, 20-24 and 26 are patentable over the cited prior art for at least the reason they depend from allowable independent claims.

III. 103(a) Rejection of Claims 5-6

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Cornett* in view of U.S. Patent No. 6,502,234 Gauthier *et al.* ("*Gauthier*").

Applicants note that while the heading of rejection item 6 on page 5 of the Office Action rejects claims 5-6 under 35 U.S.C. 103(a) in view of *Cornett* and *Gauthier*, the body of rejection item 6 appears to reject the claims under 35 U.S.C. 103(a) in view of *Cornett* and *Mattson*. *Mattson* (U.S. Patent No. 5,983,269) was used in the previous Office Action mailed January 4, 2011, to reject claims 5-6.

Regarding the rejection of claims 5-6, as described above, *Cornett* neither discloses nor suggests all of the features recited in claim 1, the base claim from which claims 5-6 depend. Applicants respectfully submit that neither *Gauthier* nor *Mattson* cures the deficiencies of the *Cornett* reference. As claims 5-6 depend from, and incorporate the features of, claim 1, it is submitted that claims 5-6 are patentable over the references for at least the same reasons

that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

IV. 103(a) Rejection of Claims 14-24

Claims 14-24 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Cornett* in view of *Gauthier*.

Regarding the rejection of claims 14-24, as described above, *Cornett* neither discloses nor suggests all of the features recited in claim 1, the base claim from which claims 14-24 depend. Applicants respectfully submit that *Gauthier* does not cure the deficiencies of the *Cornett* reference. As claims 14-24 depend from, and incorporate the features of, claim 1, it is submitted that claims 14-24 are patentable over the references for at least the same reasons that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

V. Conclusion

The Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

If any additional time is required, please accept this paragraph as a request for such an Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Please charge any required new claim fees to Deposit Account No. 04-1696. If any other fees are required, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Randall S. Wayland", written in a cursive style.

Randall S. Wayland, Esq.
Registration No. 36,303
Dugan & Dugan, P.C.
Hawthorne, New York
Attorneys for Applicant
(914) 579-2200 (Ext. 1024)